

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty BJS-4982-11
Dkt.

C# M#

HATZFELD et al.

TC/A.U. 1638

Serial No. 10/551,228

Examiner: Zheng

Filed: September 28, 2005

Date: July 3, 2007

Title: PLANTS HAVING MODIFIED GROWTH CHARACTERISTICS AND METHOD FOR
MAKING THE SAMECommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add
\$360.00 (1203)/\$180.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)
Two Month Extensions \$450.00 (1252)/\$225.00 (2252)
Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)
Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)
Five Month Extensions \$2160.00 (1255)/\$1080.00 (2255) \$ 60.00

Terminal disclaimer enclosed, add \$130.00 (1814)/ \$65.00 (2814) \$

☒ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$ 0.00

Assignment Recording Fee \$40.00 (8021) \$ 0.00

Other: \$ 0.00

TOTAL FEE \$ 60.00

☒ **CREDIT CARD PAYMENT FORM ATTACHED.**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

901 North Glebe Road, 11th Floor
Arlington, Virginia 22203-1808
Telephone: (703) 816-4000
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BJS:

NIXON & VANDERHYE P.C.
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: /B. J. Sadoff/



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

HATZFELD et al.

Atty. Ref.: 4982-11; Confirmation No. 3243

Appl. No. 10/551,228

TC/A.U. 1638

Filed: September 28, 2005

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For: PLANTS HAVING MODIFIED GROWTH CHARACTERISTICS AND METHOD FOR
MAKING THE SAME

* * * * *

July 3, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

Responsive to the Official Action dated May 3, 2007, the applicants elect, with traverse, the subject matter of the Examiner's Group III for further prosecution in the above.

Reconsideration and withdrawal of the election requirement are requested at least with regard to the Examiner's separate grouping of the subject matter of claims 1-9 (i.e., the Examiner's Group I) and the subject matter of the Examiner's Group III. The applicants request, at a minimum, examination the subject matter of the Examiner's Groups I and III, since the claimed methods result in the same effect on yield. The Examiner is urged to appreciate that the claimed invention involves the discovery that

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Response

modulated expression of a TAD protein results in increased yield such that the method by which this modulation is effected does not affect the outcome.

Examination of all of the claimed subject matter, and at least the combined subject matter of claims 1-9 and 12, is requested in an early and favorable Action.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /B. J. Sadoff/
B. J. Sadoff
Reg. No. 36,663

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